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5 **BEFORE THE VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD**
6 **OF THE STATE OF CALIFORNIA**
7

8 In the Matter of the Application of:

9 **E.G., Applicant on behalf of A.S.**

Precedent Decision No. 03-02

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12 A telephone hearing on this application was held on May 12, 2003, by
13 Christina M. Aceituno, Hearing Officer, California Victim Compensation and Government Claims
14 Board (Board).

15 The applicant, E.G., is the victim's mother. She did not attend the hearing; however, her
16 representative, Michael Siegel, Attorney-at-Law, participated in the hearing on her behalf via
17 telephone from his office in Loomis, California.

18 The hearing was closed to the public under Government Code section 13963.1.

19 **Claim History**

20 The application arose from lewd and lascivious conduct against A.S. on June 5, 2002. The
21 application for Victim Compensation Program (program) assistance was received August 16, 2002,
22 and approved on September 20, 2002.¹ No bills have been paid on this application. The applicant
23 requested relocation expenses of \$2,000 to be applied toward the purchase of a home. These expenses
24 were recommended for denial on December 6, 2002. The applicant filed a timely appeal.

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28 ¹ Because the application was filed before the effective date of the current statute, Statutes 2002, chapter 1141 (Senate Bill
29 1423, Chesbro), all references are to the Government Code sections in effect on or before December 31, 2002.

Summary of Issues

Program staff contended that Government Code section 13965(a)(4)(A) authorizes reimbursement of the costs associated with a rental property and does not allow relocation expenses to be applied to the purchase of a home.

The applicant's attorney argued that Government Code section 13957(a)(8), which became effective January 1, 2003, deleted language that specifically referred to the use of relocation monies for rental deposits and rent. E.G.'s representative further contended that the law that applies to this claim cites deposits and rent merely as examples, and does not preclude use of the relocation monies toward the purchase of a home into which the victim would relocate.

Findings of Fact

Based on the record, including the crime report, mental health documentation and documentation regarding the relocation, the Hearing Officer found the following facts:

1. In June 2002, a 42-year old family friend sexually assaulted 15-year old A.S. (date of birth June 7, 1987) in the bedroom of her home.
2. In a letter dated August 23, 2002, Maria Helgeson, LCSW, opined regarding A.S.'s trauma as a result of this crime that, "moving to a new location at this time will improve and maintain her emotional well-being."
3. According to an August 28, 2002, Initial Treatment Plan (ITP), Ms. Helgeson stated that the victim moved to her aunt's home after the crime because she could not continue sleeping in the same room and bed where the crime occurred.
4. At the time of the crime, A.S. and her family lived in a rental property in Fallbrook, California.
5. An unsigned purchase agreement, dated September 2, 2002, indicated that the victim's parents intended to purchase a house in Fallbrook at a cost of \$265,000. The agreement noted that the purchasers made a deposit of \$2,000. The agreement stipulated that escrow on the property would close in 30 days.

6. E.G. signed her request for \$2,000 for relocation monies on September 19, 2002. Her representative signed this document on September 30, 2002; it was received by the program on October 1, 2002.

7. According to Mr. Siegel, the family moved in the fall of 2002.

Determination of Issues

If the application is approved, the Board shall determine what type of state assistance will best aid the victim. (Gov. Code § 13965(a).)

The Board may authorize a cash payment or reimbursement not to exceed \$2,000 to a victim of sexual assault or domestic violence for expenses incurred in relocating. Relocation expenses must be determined by law enforcement to be necessary for the personal safety of the victim or by a mental health provider to be necessary for the emotional well-being of the victim. (Gov. Code § 13965(a)(4)(A).) Relocation expenses may include, but need not be limited to, deposits for rental housing, deposits for utilities and telephone service, temporary lodging and food expenses, and clothing and other personal items. (Gov. Code § 13965(a)(4)(A)(i)-(iv).) The Board may require copies of receipts, lease agreements or other documents necessary to ensure the victim is using the cash payment only for relocation expenses. (Gov. Code § 13965(a)(4)(B).)

As a victim of lewd and lascivious conduct, A.S. may be eligible for relocation assistance for sexual assault victims. (*See* Pen. Code, § 11165.1(b)(4).) Ms. Helgeson determined that it was necessary for A.S.'s emotional well-being to move from the site of this crime. She described in the ITP that the trauma associated with continuing to live in the house and bedroom where the crime occurred had become so difficult that A.S. moved to her aunt's home. It is found by a preponderance of the evidence that the victim's relocation was necessary for her emotional well-being and that A.S. was eligible for reimbursement for appropriate relocation expenses.

Having established that A.S. was eligible for relocation assistance, it must be decided whether the Board is authorized to reimburse funds used to purchase a home. The law identifies several specific types of reimbursable relocation expenses: deposits for rental housing, deposits for utilities and telephone service, temporary lodging and food expenses, and clothing and other personal items. While there is no express limitation in the law prohibiting the Board from reimbursing a deposit used to

purchase a home, such an award would run afoul of the intent of the Legislature. The statute authorizing reimbursement of relocation expenses was intended to help victims who need to immediately flee a dangerous or distressing home environment. According to the author of the legislation that authorized victims of sexual assault to receive relocation benefits previously available to victims of domestic violence, the intent of the legislation was to ensure that sexual assault victims “. . . are not trapped in a dangerous environment due to economic circumstances.” (*See* Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Assem. Bill No. 1017 (2001-2002 Reg. Sess.) as amended Sept. 7, 2001, p. 4). In short, the purpose of the relocation benefit is to assist a sexual assault victim to leave a dangerous environment by providing assistance with immediate, critical relocation expenses such as rental housing and security deposits, temporary lodging, food, clothing, and the like. This assistance removes the victim from the immediate danger and allows the victim to transition to safety away from the perpetrator.

It is difficult to reconcile the intent of the law with an interpretation that would allow reimbursement of the deposit for the purchase a home. The purchase of a home is a lengthy process involving at a minimum, contracting, financing, escrow, and title. It can be months before the buyer can move in, as was the case here. Assuming the parties did in fact sign the purchase agreement, escrow would not have closed until early October, approximately four months after the crime. By that time, the need for emergency relocation away from the dangerous environment would have long since passed.

Order

The costs associated with the purchase of a home are not reimbursable relocation expenses under the program. This supplemental expense is denied.

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Notice of Decision

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13 On September 19, 2003, the California Victim Compensation and Government Claims
14 Board adopted the attached Decision in the above-referenced matter. The Decision became effective
15 on September 19, 2003.
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17 Date: September 25, 2003

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JUDITH A. KOPEC
19 Supervising Staff Counsel
20 California Victim Compensation and
21 Government Claims Board
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